

**MINUTES OF THE BOARD OF TRUSTEES OF
STATE INSTITUTIONS OF HIGHER LEARNING
January 19, 2012**

BE IT REMEMBERED, That the Board of Trustees of State Institutions of Higher Learning of the State of Mississippi met in a regular session at the Board Office in Jackson, Mississippi, at 9 a.m., and pursuant to notice in writing mailed by certified letter with return receipt requested on November 28, 2011, to each and every member of said Board, said date being at least five days prior to this January 19, 2012 meeting. At the above-named place there were present the following members to wit: Mr. H. Ed Blakeslee, Dr. Stacy Davidson, Dr. Bettye Henderson Neely (by phone), Mr. Bob Owens, Mr. Aubrey B. Patterson, Mr. Alan Perry, Ms. Christine Pickering, Ms. Robin J. Robinson, Mr. Scott Ross, Dr. Douglas Rouse, and Mr. C.D. Smith. Ms. Amy Whitten was absent. The meeting was called to order by Mrs. Robin Robinson, President, and opened with prayer by Mr. Scott Ross.

INTRODUCTION OF GUESTS

- President Robinson welcomed the Student Government Association officers: Mr. Brandon Rook, President at Alcorn State University, Ms. Jeanna Wilkes, President at Delta State University; Mr. Rhett Hobart, President at Mississippi State University; Mr. Marvin Elder, President at Mississippi Valley State University; Mr. Glenn Perkins, Vice President at Mississippi Valley State University; Mr. Taylor McGraw, President at the University of Mississippi; and Mr. Erick Brown, President at the University of Southern Mississippi.
- Commissioner Bounds introduced Ms. Heather West, the new Administrative Assistant in the Commissioner's Office.

PRESENTATIONS

- The Board received an update on Mississippi Blueprint 2011 from Mr. Blake Wilson, President of the Mississippi Economic Council.
- The Board received a report on the Optional Retirement Plan Study by Ms. Pat Robertson, Executive Director of Public Employees' Retirement System, and Deputy Administrator Bob Rhoads.
- The Board received an update on the Raising the Profile Campaign by Ms. Caron Blanton, IHL Director of Communications.

APPROVAL OF THE MINUTES

On motion by Trustee Pickering, seconded by Trustee Davidson, with Trustee Whitten absent and not voting and Trustee Neely participating by phone, all Trustees legally present and participating voted unanimously to approve the Minutes of the Board meetings held on November 16, 2011, November 17, 2011, November 30, 2011 and December 15, 2011.

CONSENT AGENDA

Trustee Perry requested two items be moved from the Consent Agenda to the Regular Budget Agenda. These items are: MSU's request to approve the extension of the closing date deadline for the purchase of

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land with Cotton Mill Development Group, LLC (#2 below) and the proposed amendment to Board Policy Section 906 Educational Building Corporations to include other forms of debt obligation (#6 below). On motion by Trustee Blakeslee, seconded by Trustee Perry, with Trustee Whitten absent and not voting and Trustee Neely participating by phone, all Trustees legally present and participating voted unanimously to approve the remaining items on the following Consent Agenda.

ACADEMIC AFFAIRS

1. **MVSU** - Approved the request to rename the Professional Master of Business Administration (PMBA) to the Master of Business Administration (MBA). The name change aligns the program title with national accreditation standards and will allow the university to maintain full accreditation of the program. Renaming will require minimal resources, which will be covered by existing funds.

BUDGET, FINANCE AND AUDIT

2. **MSU** - Permission to extend the closing date of the land sale agreement with Cotton Mill Development Group, LLC (CMDG) for the sale of approximately 8.477 acres of land comprised of two parcels located behind the Cooley Building in Starkville, MS. The closing date deadline is being extended from December 31, 2011 until such time as CMDG secures the financing. There will be no additional cost to grant the extension. The purchase price remains at \$2,880,000. The agreement has been reviewed and approved by the Attorney General's Office. A copy of the agreement is on file at the Board Office. **(THIS ITEM WAS MOVED TO THE REGULAR BUDGET AGENDA.)**
3. **MSU** - Approved the request by the MSU Bulldog Foundation to engage the CPA firm of T.E. Lott & Co., P.A. of Starkville, MS to conduct its annual audit for fiscal/calendar year 2012. Board Policy 301.0806 D.9. requires the Board to approve the CPA firm three months prior to the end of the Entity's fiscal year for which the audit will be conducted.
4. **UMMC** - Approved the request to enter into a lease agreement with Jackson Municipal Airport Authority (JMAA) for the use of 19,285 square feet of space to provide office, storage and training space for the State Medical Assistance Team Storage and Training Center. JMAA will provide insurance protection and routine maintenance of exterior walls, roof, structure and paved areas of the premises. UMMC will provide all other routine maintenance and repairs of the lease premises, water, sewer, electricity, telephone, cable, garbage removal, janitorial services and supplies, internet, and any other required utility service. The initial term of the contract is for five-months; however, the agreement provides for automatic extensions for an additional three one-year periods bringing the total contract term to three-years and five months - February 1, 2012 through June 30, 2015. The cost per square foot is \$7 or \$11,250 per month. In addition, UMMC agrees to pay \$10 per required identification badge and budgeted \$100 to cover the cost of the badges during the contract period. The total cost for the entire lease period is \$461,350. This amount reflects a \$10,000 credit to be used for improvements to the facilities. In order to claim this credit, UMMC must provide a copy of the paid invoices for the improvements. The contract will be funded by a U.S. Department of Health and Human Services grant (Assistant Secretary for Preparedness and Response - Hospital Preparedness Program) which has been awarded to UMMC through the Mississippi Department of Health and Human Services. The agreement has been reviewed and approved by the Attorney General's Office. A copy of the agreement is on file at the Board Office.

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5. **UMMC** - Approved the request to enter into a sublease agreement with University Physicians, PLLC (UP) to lease 12,007 square feet of space in the Jackson Medical Mall. This is a sublease under the university's Master Lease with the Jackson Medical Mall Foundation. Specifically, 4,002 square feet on the second floor of the Jackson Medical Mall will be used for Hospital and Emergency Department Charge Capture and 8,005 square feet on the third floor will be used for University Physicians Patient Services Charge Entry. UP will receive those services that are provided to the university under the Master Lease such as maintenance, utilities, custodial services, and construction improvements. UP agrees to provide pest control and general maintenance and repairs. The contract length is three years - February 1, 2012 through January 31, 2015. The sublease may then be extended upon mutual agreement of the parties, subject to the Jackson Medical Mall Foundation's consent. UP will pay base rent at a rate of \$15.48 per square foot for 12,007 feet. The fee per square foot consists of the following components: \$7.83 base rent; \$3.30 common area maintenance; \$1.90 housekeeping; \$1.70 utilities; \$.25 maintenance; and \$.50 capital improvements for a total of \$15.48. This will result in an annual payments of \$185,868.36. The total revenue generated during the three-year term is \$557,605.08. In addition, UP will be responsible for its pro rata share of any additional expenses that may be assessed as a result of improvements or increases attached to the master lease agreement. The agreement has been reviewed and approved by the Attorney General's Office. A copy of the agreement is on file at the Board Office.
6. **System** - Request to amend Board Policy 906 Educational Building Corporations to include other forms of debt obligations. **(THIS ITEM WAS MOVED TO THE REGULAR BUDGET AGENDA.)**

REAL ESTATE

7. **UM** - Approved the appointment of Pryor & Morrow Architects & Engineers as design professionals for **IHL 207-346, Stockard Hall and Martin Hall Brick Veneer Replacement**. The two buildings share a lobby and, over time, water penetrated the brickwork causing the shelf angles to oxidize which in turn caused the mortar to crack and loosen. The project involves removing the masonry skin in its entirety from the seventh floor to the eleventh floor and replacing the brick and re-installing windows on floors seven through eleven. The estimated project budget is \$4 million. Funds are available from auxiliary R&R funds (\$4 million).
8. **ERC** - Approved the request to increase the scope and the budget for **GS 111-049, Road Improvements**. The budget will increase from \$2,250,000 to \$2,400,000 for an increase of \$150,000. The project is currently in the design phase. This is the first budget escalation/change or scope request made for this project by the Education and Research Center. The change in scope and budget escalation is needed in order to include additional Bureau of Building Energy funds to be used for replacing the current streetlights with energy efficient lights. Funds are available from HB 1701, Laws of 2010 - BOB discretionary funds (\$1 million); SB 3100, Laws of 2011-IHL/BOB discretionary funds (\$750,000); HB 1701, Laws of 2010 (\$250,000); SB 3100, Laws of 2011 (\$250,000) - from JSU; and HB 1701, Laws of 2010 BOB Energy Funds (\$150,000).
9. **USM** - Approved the request to grant a right-of-way/utility easement to Southern Pine Electric Power Association for the installation of an aerial power line across a small section of Lake Thoreau Property located approximately 6 miles west of the main campus. The easement will be 30 feet in width with 15 feet of width on each side of the center line of the first electric distribution or transmission line located and constructed over, through and across the lands listed. All pertinent

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documents have been reviewed and approved by the Attorney General's Office. A copy of the legal description of the easement is on file in the Office of Real Estate and Facilities.

10. **USM** - Approved the request to delete the Kappa Alpha house from inventory and demolish it. The current Kappa Alpha house is located at 217 N. 34th St., building number 851 and has been unoccupied for the past five months. The house is currently in very poor condition and in need of demolition in order to free up additional space that is needed for parking. The projected cost for the demolition is minimal due to the university's intent to request the City of Harrisburg Fire Department use the structure for a training burn. Once removed, the site will become gravel parking for approximately 70 vehicles. The additional space for vehicles will help mitigate the loss of approximately 195 parking spaces due to the construction of the new College of Business Building. The approval letter has been received from the Mississippi Department of Archives and History and from the Mississippi Department of Environmental Quality. All legal documentation will be kept on file in the Office of Real Estate and Facilities.

LEGAL

11. **UM** - Pending approval by the Attorney General's Office, the Board approved the request to hire Lawrence Bernstein as outside counsel to assist with the FCC license renewals for the university radio station. Mr. Bernstein practices in Washington DC and specializes in FCC representation. He has represented the university with respect to the radio station for decades. The hourly rate to be charged will be \$325, which is \$50 per hour below Mr. Bernstein's regular rate. The contract would be for one year, and the maximum amount payable under the contract would be \$5000.
12. **UMMC** - Approved the request to hire James Mingee d/b/a The Mark It Place, C. Paige Herring and Austin Bonderer as outside counsel to provide legal services as trademark, copyright and/or intellectual property counsel. The hourly rates to be charged will be \$145 per hour for trademark and copyright services, and \$200 per hour for intellectual property representation. In lieu of the hourly rate, there will be a flat fee of \$1,200 for preparing a trademark application and filing it with the USPTO in routine prosecution related thereto. The term of the contract will be for one year. The maximum amount payable under the contract will be \$30,000. The Attorney General has reviewed and approved this item.

13. **PERSONNEL REPORT**

EMPLOYMENT

University of Southern Mississippi

Rehired retiree making more than \$20,000 who IS on contract during FY2012

Pamela Gatchell, *former position:* Visiting Clinical Instructor, College of Education and Psychology-Gulf Coast; *rehired position:* Visiting Clinical Instructor, College of Education and Psychology-Gulf Coast; *re-employment period:* August 22, 2011 through May 17, 2012; salary of \$30,000

Mississippi State University

Rehired retirees making more than \$20,000 who are NOT on contract during FY2012

- Alice Burt, *former position:* Senior Research Associate; *re-engagement position:* Senior Research Associate; *re-engagement period:* July 1, 2011 through June 30, 2012; salary of \$27,000

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- Beverly Coleman, *former position:* Administrative Assistant; *re-engagement position:* Administrative Assistant; *re-engagement period:* July 1, 2011 through June 30, 2012; salary of \$20,500
- Jack D. Elliott, Jr., *former position:* Lecturer; *re-engagement position:* Lecturer; *re-engagement period:* July 1, 2011 through June 30, 2012; salary of \$28,380
- Albert W. Groce, *former position:* Professor; *re-engagement position:* Professor; *re-engagement period:* July 1, 2011 through June 30, 2012; salary of \$52,500
- Leslie M. Hammons, *former position:* Contract & Grant Specialist; *re-engagement position:* Grants Contracts Asst.; *re-engagement period:* July 1, 2011 through June 30, 2012; salary of \$25,480
- John E. Harkness, *former position:* Professor; *re-engagement position:* Special Projects Coordinator; *re-engagement period:* July 1, 2011 through June 30, 2012; salary of \$75,000
- James V. Hemphill, III, *former position:* MS teacher retired; *rehired position:* Supervisor/Lecturer; *re-employment period:* August 16, 2011 through June 30, 2012; salary of \$30,000
- Ronald Richard Miller, Sr., *former position:* Lecturer; *re-engagement position:* Lecturer; *re-engagement period:* July 1, 2011 through June 30, 2012; salary of \$28,380
- Eleanor P. Shaw, *former position:* Senior Research Associate; *re-engagement position:* Senior Research Associate; *re-engagement period:* July 1, 2011 through June 30, 2012; salary of \$27,000
- Mariella H. Simons, *former position:* Director of Instruction Rankin Schools; *rehired position:* Associate Director, MWTI, *re-employment period:* October 31, 2011 through June 30, 2012; salary of \$34,996
- Charles E. Weatherly, *former position:* Sr. Director of Development; *reengagement position:* Sr. Director of Development; *reengagement period:* July 1, 2011 through June 30, 2012; salary of \$25,000
- Linda Allsup, *former position:* Coordinator; *re-engagement position:* Coordinator; *re-engagement period:* July 1, 2011 through June 30, 2012; salary of \$27,500
- Kathleen Lott, *former position:* Teacher; *rehired position:* Teacher; *re-employment period:* November 1, 2011 to June 30, 2012; salary of \$25,000
- Glenn H. McGee, *former position:* Director; *re-engagement position:* Director; *re-engagement period:* July 1, 2011 through June 30, 2012; salary of \$40,000
- Walter Okhuysen, *former position:* Research Associate; *rehired position:* Research Associate; *re-employment period:* November 11, 2011 to June 30, 2012; salary of \$29,375

University of Southern Mississippi

Rehired retirees making more than \$20,000 who are NOT on contract during FY2012

- William Hawkins, *former position:* Executive Director, Gulf Coast Research Laboratory; *re-employed position:* Professor Emeritus, Gulf Coast Research Laboratory; *r-employment period:* October 1, 2011 through June 30, 2012; salary of \$61,985
- Sara Jackson, *former position:* Coordinator of Assistive Technology; *rehired position:* Coordinator of Assistive Technology; *re-employment period:* October 1, 2011 through June 30, 2012; salary of \$45,729

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CHANGE OF STATUS

Jackson State University

- Bettye Graves, *from* Associate Vice President for Enrollment Management; salary of \$101,500 per annum, pro rata; E&G Funds; *to* Associate Vice President for Process Management; no change in salary; effective November 1, 2011
- Mark Hardy, *from* Provost, Office of Academic Affairs; salary of \$160,000 per annum, pro rata; E&G Funds; *to* salary of \$185,000 per annum, pro rata; E&G Funds; no change in title – additional responsibilities; effective December 1, 2011
- Michael Thomas, *from* Vice President, Business & Finance, Office of Business and Finance; *to* salary of \$140,000 per annum, pro rata; E&G Funds; *to* salary of \$165,000 per annum, pro rata; E&G Funds; no change in title - additional responsibilities; effective December 1, 2011

University of Southern Mississippi

Denis Wiesenburg; *from* Vice President for Research; salary of \$215,000 per annum, pro rata; E&G Funds; *to* Vice President for Research and Interim Provost; salary of \$250,000 per annum, pro rata; E&G Funds; title change effective November 18, 2011; salary change effective January 1, 2012

SABBATICAL

Jackson State University

Zhenbu Zhang, Associate Professor of Mathematics, College of Science, Engineering & Technology; *from* salary of \$57, 906 per annum, pro rata (nine-month contract), E&G Funds; *to* sabbatical leave with pay; effective January 1, 2012 through May 15, 2012

ACADEMIC AFFAIRS AGENDA

Presented by Dr. Doug Rouse, Chair

1. **System** - The Board received a presentation on the Institutional Textbook Reports by Dr. Al Rankins, IHL Assistant Commissioner for Academic and Student Affairs.

BUDGET AGENDA

Presented by Mr. Aubrey Patterson, Chair

On motion by Trustee Patterson, seconded by Trustee Rouse, with Trustee Whitten absent and not voting and Trustee Neely participating by phone, all Trustees legally present and participating voted unanimously to approve item #2 below which was moved from the Consent Budget Agenda. On motion by Trustee Patterson, seconded by Trustee Davidson, with Trustee Whitten absent and not voting and Trustee Neely participating by phone, all Trustees legally present and participating voted unanimously to approve item #3 below which was moved from the Consent Budget Agenda. On motion by Trustee Patterson, seconded by Trustee Owens, with Trustee Whitten absent and not voting and Trustee Neely participating by phone, all Trustees legally present and participating voted unanimously to approve agenda item #4.

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1. **System** - Presentation at the beginning of the meeting regarding the Public Employees' Retirement System on the Optional Retirement Plan Study. **(This item was presented earlier in the meeting.)**
2. **MSU** - Approved the request to extend the closing date of the land sale agreement with Cotton Mill Development Group, LLC (CMDG) for the sale of approximately 8.477 acres of land comprised of two parcels located behind the Cooley Building in Starkville, MS. The closing date deadline is being extended from December 31, 2011 to April 30, 2012 as amended by the Board. There will be no additional cost to grant the extension. The purchase price remains at \$2,880,000. The agreement has been reviewed and approved by the Attorney General's Office. A copy of the agreement is on file at the Board Office.
3. **System** - Approved the request to amend Board Policy 906 Educational Building Corporations to include other forms of debt obligations and waived the requirement that this policy change be approved for first reading, and for final reading at a subsequent meeting of the Board. The changes are shown below:

906 EDUCATIONAL BUILDING CORPORATIONS

Miss. Code Ann., Section 37-101-61, (1972), as amended, grants the state institutions of higher learning the authority to form nonprofit corporations for the purpose of acquiring or constructing facilities for use by the institution. These educational building corporations are granted the authority to issue bonds or other forms of debt obligations (if required for the type of debt to be issued) for the construction and renovation of facilities.

Prior to Board consideration of an institution's request to issue debt by the educational building corporation, Board staff, in conjunction with institutional staff, must select a financial advisor(s) to represent the interests of the Board, the educational building corporation and the institution to provide the Board with an independent analysis of the institution's financial condition, to verify that proposed revenue stream(s) are sufficient to repay the debt service and to recommend the project's viability. If the educational building corporation will issue commercial paper, the financial advisor shall also calculate an opinion of the breakeven interest rate to long term bonds to justify the use of commercial paper. The financial advisor(s) shall meet such qualifications and perform such services as may be prescribed by the institution, the Board or its staff.

Payment to the financial advisor(s) shall be made by the institution, or the institution's educational building corporation, without regard for whether the Board approves the construction or renovation or whether the institution or educational building corporation constructs the project.

The institution shall submit the report of the financial advisor(s) and the request for a project initiation to the Board for approval. The request must state the institution's intent, justify the need for the project and give an estimate of the total construction budget. The request must also include naming the design professionals, bond counsel and underwriter.

Following the Board's approval of the project initiation, the institution shall return to the Board at a subsequent meeting and present a resolution for Board approval granting permission for issuing bonds or other forms of debt obligations for the specific project and for approval of the following documents: the lease, the ground lease, the preliminary official statement (if required for the type of debt to be issued), the trust indenture, the continuing disclosure agreement (if required for the type of debt to be issued) and the bond purchase agreement or dealer agreement, as applicable. The resolution also grants permission for the documents to be executed. In no case shall the educational building corporation issue bonds or other forms of debt obligations without specific approval of the debt obligations from the Board for specific projects.

4. **UMMC** - Approved a resolution authorizing the UMMC Educational Building Corporation to issue 30-year fixed rate bonds up to a maximum aggregate principal amount of \$112 million to be used for financing capital expenditures. The Board also approved the Lease, Ground Lease, Preliminary Offering Statement, Trust Indenture, Continuing Disclosure Agreement, the Bond Purchase Agreement in substantially final form, and the permission to execute these documents. The bonds

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will be issued for the purpose of financing and reimbursing capital expenditures related to the expansion, renovation, furnishing and equipping of existing and new healthcare, education, and research facilities for the Medical Center at the location described in Exhibit A to the Lease. Expenditures may include the purchase of land and related costs, a new Cancer and Biomedical Research Center, equipment, and payment of the related costs of issuance, sale and delivery of the bonds. Morgan Stanley & Co., Inc. will serve as the lead underwriter and Jones, Walker, Waechter, Poitevent, Carrère & Denègre L.L.P. (successor to Watkins, Ludlum, Winter and Stennis) will serve as bond counsel. First Southwest is the financial advisor. Due to the types of funded projects, the Board waived the provision in Board Policy 906 Educational Building Corporations which requires the financial advisor “to verify that proposed revenue stream(s) are sufficient to repay the debt service and to recommend the projects viability.” The proposed bond issues are not accompanied by additional marginal revenues to UMMC but rather will be funded through operational revenues. In addition to waiving the policy the approval is contingent upon the Board also approving initiation of facilities projects that are on the facilities and real estate agenda today which are part of the bond issue. UMMC will prepare a detailed financial plan within the next month to show how expenses will be reduced and/or revenue enhanced to improve financial performance, increase general unrestricted reserves by \$3 million annually, and shall include a monthly reporting of financial status including available reserves to the system office.

REAL ESTATE AGENDA

Presented by Mr. Scott Ross, Chair

On motion by Trustee Ross, seconded by Trustee Smith, with Trustee Whitten absent and not voting and Trustee Neely participating by phone, all Trustees legally present and participating voted unanimously to approve agenda items #1 - #4 as submitted on the following Real Estate Agenda.

1. **UM** - Approved the request to initiate **IHL207-355, Garland, Hedleston, and Mayes Renovations**, and the appointment of a design professional through the “Request for Qualification” method. The renovation will include new mechanical and electrical systems, provide barrier-free accessibility, weather proof the building’s exterior, and complete the interiors upgrade. Garland, Hedleston, and Mayes were built in 1938 as men’s dormitories. The buildings are not viable for housing but are still appropriate for academic or administrative use. While the interiors have deteriorated, they are structurally sound. It is necessary to completely replace the mechanical, electrical, fire protection, and plumbing systems. The estimated project budget is \$14 million. Funds are available from internal R & R (\$14 million).
2. **UMMC** - Approved the initiation of **IHL 209-546, Various Educational Building Corporation Projects**, to include and consolidate miscellaneous internally funded projects as shown in the bound *January 19, 2012 Board Working File*. The total project budget is \$9,033,220. Funds are available from the Educational Building Corporation.
3. **MSU** - Approved the exterior design of the Pi Kappa Phi Fraternity house. The existing house owned by Alpha Gamma Rho is being sold to Pi Kappa Phi, which plans to renovate the house with significant exterior and interior improvements. A rendering of the design is included in the bound *January 19, 2012 Board Working File*.

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4. **UMMC** - Approved the exterior design of the Cardiovascular Center. The project will include the renovation of existing space and new building expansion (three floors) to provide a new 69,361 square foot modern Cardiovascular Clinic Service/Area. An additional 16,000 square feet will be added as a basement floor level shell to be used for future Radiological services and will increase the total square footage to 85,361 square feet. The building's exterior will be compatible with the existing fabric of UMMC. A rendering of the design is included the bound *January 19, 2012 Board Working File*.

LEGAL AGENDA

Presented by Mr. Alan Perry, Chair

On motion by Trustee Perry, seconded by Trustee Rouse, with Trustee Whitten absent and not voting and Trustee Neely participating by phone, all Trustees legally present and participating voted unanimously to move item #2 to the Executive Session agenda. On motion by Trustee Perry, seconded by Trustee Blakeslee, with Trustee Whitten absent and not voting and Trustee Neely participating by phone, all Trustees legally present and participating voted unanimously to approve agenda item #1 as submitted on the following Legal Agenda.

1. **System** - Approved the request to amend the total dollar amount of the contract for legal services between IHL and the Office of the Attorney General due to personnel changes in the staff. The new contract amount will increase by \$55.63. The new total contract amount will be \$359,670.29. No other changes will be made to the current contract. A copy of the contract is on file in the Board Office.
2. **UMMC** - Settlement of Tort Claim No. 1762. **(THIS ITEM WAS MOVED TO EXECUTIVE SESSION.)**

ADMINISTRATION/POLICY AGENDA

Presented by Commissioner Hank M. Bounds

1. Election of Vice President of the Board of Trustees for the term beginning April 1, 2012 and ending February 28, 2013.

Trustee Robinson opened the floor for nominations for the office of Vice President of the Board. Trustee Patterson nominated Trustee Bob Owens, the motion was seconded by Trustee Pickering, with Trustee Whitten absent and not voting and Trustee Neely participating by telephone. There being no further nominations, the nominations were closed. All Trustees legally present and participating voted in the affirmative, therefore, it was

RESOLVED, that Trustee Bob Owens was elected as Vice President of the Board for a term, beginning April 1, 2012.

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INFORMATION AGENDA
Presented by Commissioner Hank M. Bounds

REAL ESTATE

1. **System** - The Board received the Real Estate items that were approved by the Board staff subsequent to the October 20, 2011 Board meeting in accordance with Board Policy 904 Board Approval. (See Exhibit 1.)

LEGAL

2. **System** - The Board received a report of the payment of legal fees to outside counsel. (See Exhibit 2.)

Administration/Policy

3. **System** - The Board received the notification of approval by Commissioner Hank Bounds as follows:
 - a. **MSU** - In accordance with Board Policy 707.01 Land, Property, and Service Contracts, “The Commissioner is authorized and empowered to approve non-oil, gas and mineral leases in an amount equal to or less than \$100,000.” On December 8, 2011, the Commissioner approved the request by MSU on behalf of the Coastal Research and Extension Center to enter into a revenue producing lease agreement between USDA’s Animal and Plant Health Inspection Service/Plant Protection and Quarantine Center for Plant Health Science and Technology. This agreement is for the lease of space in the coastal Research and Extension Center consisting of four single offices and four cubicles or the equivalent thereof; available meeting and/or laboratory space as needed; and, outdoor storage space. The lease will run for a twelve month period beginning January 1, 2012 and ending December 31, 2012. The lease term may be extended for an additional twelve month period(s) upon notice by the Lessee prior to the end of the then current lease year. In return for the lease of the designated space, MSU will receive an annual rent payment of \$25,000; salary for the employment of a maintenance worker; and, on-site entomological support as requested. The Executive Office staff have reviewed and approved the contract documents.
 - b. **MSU** - In accordance with Board Policy 707.01 Land, Property, and Service Contracts, “The Commissioner is authorized and empowered to approve non-oil, gas and mineral leases in an amount equal to or less than \$100,000.” On November 8, 2011, the Commissioner approved the request to enter into a one-year lease with Coblentz Properties, LLC. This agreement is for the lease of approximately 2,500 square feet of office space in Starkville, MS to be used by the Mississippi Migrant Education Center, a service institute affiliated with MSU. Comparable office space located on-campus at MSU could be not secured; therefore, an off-campus site was secured. The current term for the lease ended September 30, 2011. The new lease term will run for a twelve month period and may be extended for an additional twelve month period upon written agreement of the parties (and approval by the Commissioner). MSU will pay \$3,700 per month for the lease of the space. The total cost for the twelve month lease term is \$44,400. This agreement is also funded externally by the Mississippi Department of Education. The Executive Office staff have reviewed and approved the contract documents.

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- c. MSU – In accordance with Board Policy 707.01 Land, Property, and Service Contracts, “The Commissioner is authorized and empowered to approve non-oil, gas and mineral leases in an amount equal to or less than \$100,000.” On December 19, 2011, the Commissioner approved the request to enter into a lease agreement with MSU Research & Technology Corporation. This agreement is for the lease of approximately 13,201 square feet to be used as office, meeting and storage space at the Stennis Space Center. The lease will run for a twelve month period beginning January 1, 2012 and ending December 31, 2012. The lease term may be extended for additional twelve month period(s) upon written agreement of the parties and approval of the Commissioner for up to five years. MSU will pay \$8,307.70 monthly for the lease of the space. The total cost of the lease is \$99,692.40. The Executive Office staff have reviewed and approved the contract documents.
- d. **MSU** - In accordance with Board Policy 707.01 Land, Property, and Service Contracts, “The Commissioner is authorized and empowered to approve non-oil, gas and mineral leases in an amount equal to or less than \$100,000.” On December 19, 2011, the Commissioner approved the request to enter into a lease agreement with Biloxi Housing Authority. This agreement is for the lease of approximately 2,600 square feet to be used as office space in downtown Biloxi. The lease term will run for a three year period beginning January 1, 2012 and ending December 31, 2014. MSU’s total consideration will equal \$2,500 per month and will be remitted as follows: MSU will pay \$1,000 monthly beginning April 1, 2012 as the first three months of the term are free; the remaining \$1,500 will be provided in the form of in-kind educational research services. The total cost of the three year lease term is \$87,000 (\$33,000 cash and \$54,000 equivalent value of in-kind services). In addition to rent costs, MSU will be responsible for all utilities, including telephone and internet services. The Executive Office staff have reviewed and approved the contract documents.

EXECUTIVE SESSION

On motion by Trustee Perry, seconded by Trustee Davidson, with Trustee Whitten absent and not voting and Trustee Neely participating by phone, all Trustees legally present and participating voted unanimously to close the meeting to determine whether or not it should declare an Executive Session. On motion by Trustee Perry, seconded by Trustee Blakeslee, with Trustees Neely and Whitten absent and not voting, all Trustees legally present and participating voted unanimously **to go into Executive Session** for the reasons reported to the public and stated in these minutes, as follows:

Discussion of a litigation matter at one of the state universities and the settlement thereof and
Discussion of a personnel matter at one of the state universities.

During Executive Session, the following matters were discussed and/or voted upon:

On motion by Trustee Smith, seconded by Trustee Davidson, with Trustees Neely and Whitten absent and not voting, all Trustees legally present and participating voted unanimously to approve the settlement of Tort Claim No. 1762 styled as *Joel Converse vs. UMMC, et al.*, as recommended by counsel.

**MINUTES OF THE BOARD OF TRUSTEES OF
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The Board discussed a personnel matter at one of the state universities.

On motion by Trustee Pickering, seconded by Trustee Rouse, with Trustees Neely and Whitten absent and not voting, all Trustees legally present and participating voted unanimously to return to Open Session.

**BUDGET COMMITTEE
MEETING REPORT**

January 12, 2012

The Budget Committee teleconference meeting was called to order by Chairman Aubrey Patterson at approximately 3 p.m. **In accordance with Miss. Code Ann., §25-41-1, as amended, all votes taken during this teleconference meeting were recorded by name in a roll-call. The teleconference meeting was held to discuss a UMMC bond issue.**

On a motion by Trustee Whitten, seconded by Trustee Owens, with Trustees Pickering and Perry absent and not voting, all Committee members legally present and participating voted unanimously to waive the provision in Board Policy 906 Educational Building Corporations which requires the financial advisor “to verify that proposed revenue stream(s) are sufficient to repay the debt service and to recommend the projects viability.” The proposed bond issues are not accompanied by additional marginal revenues to UMMC but rather will be funded through operational revenues. To compensate for the waived policy, the Board also approved the following:

1. that UMMC will formally request the Board to initiate all projects being considered for funding in compliance with Board Policy,
2. that any reimbursements from the Epic installation be put in reserve to service the debt,
3. that any reduction in current debt service be used to service the new debt,
4. that UMMC will report month on the financial status to the System Office, and
5. that a detail financial plan will be completed within the next month to show how expenses will be reduced to prevent any future deficits.

On a motion by Trustee Whitten, seconded by Trustee Davidson, with Trustees Pickering and Perry absent and not voting, all Committee members legally present and participating voted unanimously to adjourn the meeting.

Committee members attending the meeting were: Mr. Aubrey Patterson (Chair), Dr. Stacy Davidson, Mr. Bob Owens, and Ms. Amy Whitten. Trustees Alan Perry and Christy Pickering were absent. Other Board members attending the meeting were: Mr. Ed Blakeslee, Ms. Robin Robinson, Mr. Scott Ross, Dr. Doug Rouse, and Mr. C. D. Smith.

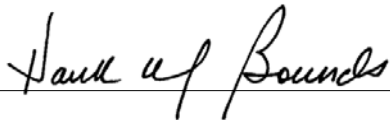
**MINUTES OF THE BOARD OF TRUSTEES OF
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ADJOURNMENT

There being no further business to come before the Board, on motion by Trustee Pickering, seconded by Trustee Owens, with Trustees Neely and Whitten absent and not voting, all Trustees legally present and participating voted unanimously to adjourn the meeting.



President, Board of Trustees of State Institutions of Higher Learning



Commissioner, Board of Trustees of State Institutions of Higher Learning

**MINUTES OF THE BOARD OF TRUSTEES OF
STATE INSTITUTIONS OF HIGHER LEARNING
January 19, 2012**

EXHIBITS

- Exhibit 1 Real Estate items that were approved by the IHL Board staff subsequent to the October 20, 2011 Board meeting.
- Exhibit 2 Report of the payment of legal fees to outside counsel.

EXHIBIT 1

January 19, 2012

SYSTEM: REAL ESTATE ITEMS APPROVED SUBSEQUENT TO THE OCTOBER 20, 2011 BOARD MEETING SUBMISSION DEADLINE

NOTE: THE FOLLOWING ITEMS WERE APPROVED BY THE BOARD'S REAL ESTATE AND FACILITIES STAFF ACCORDING TO BOARD POLICY §904 (A) BOARD APPROVAL.

1. DSU – GS 102-237 – Caylor/ White-Walters Renovations Phase III Renovation

Staff Approval #1: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Contract Documents** as submitted by Architecture South, design professional. Approval is requested from the Bureau of Building, Grounds, and Real Property.

Staff Approval #2: In accordance with Board Policy §904 (A) Board Approval, Board staff **approved request to advertise for receipt of bids.** Approval is requested from the Bureau of Building, Grounds, and Real Property.

Staff Approval Date: November 28, 2011

Project Initiation Date: August 19, 2010

Design Professional: Architecture South

General Contractor: N/A

Contract Award Date: N/A

Project Budget: \$11,700,000.00

Funding Source(s): HB 1701, L'10 (\$6,000,000); SB 3100, L'11 (\$5,700,000)

2. JSU – GS 103-234 – ADA Compliance Phase II-B (BP1)

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #2** in the amount of \$136,623.48 and fifty-two (52) additional days to the contract of FP Contracting, LLC. Approval is requested from the Bureau of Building, Grounds, and Real Property.

Staff Approval Date: November 30, 2011

Change Order Justification: **Change Order #2** is necessary to provide additional site work north of J. L. Reddix Hall due to hidden conditions discovered during demolition and excavation and backfill in preparation for additional site work north of J. L. Reddix Hall to remove the expansive clay soil beneath the Reddix Hall parking lots and replace it with good soil to provide a stable base for the site work.

Total Project Change Orders and Amount: Two (2) change orders for a total amount of \$152,975.88.

Project Initiation Date: August 17, 2006

Design Professional: WFT Architects, P.A.

General Contractor: FP Contracting, LLC

Contract Award Date: June 22, 2010

Project Budget: \$5,032,985.50

Funding Source(s): HB 246, L'07 (\$4,032,985.50); HB 1701, L'10 (\$500,000.00); SB 3197, L'02 (\$500,000.00)

EXHIBIT 1

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3. JSU – GS 103-234 – ADA Compliance Phase II-B (BP2)

Staff Approval #1: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Contract Documents** as submitted by WFT Architects, P.A., design professional. Approval is requested from the Bureau of Building, Grounds, and Real Property.

Staff Approval #2: In accordance with Board Policy §904 (A) Board Approval, Board staff **approved request to advertise for receipt of bids.** Approval is requested from the Bureau of Building, Grounds, and Real Property.

Staff Approval Date: October 26, 2011

Project Initiation Date: August 17, 2006

Design Professional: WFT Architects, P.A.

General Contractor: TBA

Contract Award Date: TBA

Project Budget: \$5,032,985.50

Funding Source(s): HB 246, L'07 (\$4,032,985.50); HB 1701, L'10 (\$500,000.00); SB 3197, L'02 (\$500,000.00)

4. MSU –Land Lease with Pi Kappa Phi Properties

Commissioner Approval: In accordance with Board Policy §707.01, Land, Property, and Service Contracts, the Commissioner **approved the land lease between MSU and Pi Kappa Phi Properties** on behalf of the Board of Trustees.

Approval Date: December 16, 2011

Terms of Lease: 50 year land lease on Lot #12. MSU currently has an agreement with Alpha Gamma Rho (AGR) Fraternity for the lease of the property. However, AGR is selling the property to Pi Kappa Phi Properties. Therefore, MSU must now establish a new land lease with Pi Kappa Phi for the property in which the fraternity is going to acquire from AGR for \$50 cash in hand which is the entire cash payment due under the land lease agreement. Pi Kappa Phi will close on the property January 6, 2012.

5. MSU – GS 105-310 – Harned Hall Renovation Phase I

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #8** in the amount of \$7,260.00 and zero (0) additional days to the contract of Harrell Contracting Group, LLC. Approval is requested from the Bureau of Building, Grounds, and Real Property.

Staff Approval Date: November 10, 2011

Change Order Justification: **Change Order #8** is necessary for sealing all holes above the ceilings in existing plaster walls adjacent to laboratories and PD/GS offices to allow a negative pressure to be maintained.

Total Project Change Orders and Amount: Eight (8) change orders for a total amount of \$1,187,985.95.

Project Initiation Date: May 1, 2010

Design Professional: Eley Associates/Architects, P.A.

General Contractor: Harrell Contracting Group, LLC

Contract Award Date: April 7, 2009

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Project Budget: \$17,000,000.00

Funding Source(s): SB 2010, L'04 (\$5,000,000.00); HB 246, L'07 (\$12,000,000.00)

6. MSU – GS 113-117, Wise Center Storm Repairs

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #10** in the amount of \$497,197.94 and seven (7) additional days to the contract of Thrash Commercial Contractors, Inc. Approval is requested from the Bureau of Building, Grounds, and Real Property.

Staff Approval Date: October 24, 2011

Change Order Justification: **Change Order #10** is necessary for reconstruction of brick veneer and canopy, repair of damaged walls in dean's suite, provide and install window blinds, relocation of roof drain on "0" roof, furnish and deliver long lead-time electrical items, deduct insulation of roof drains and deduct installation of masonry sealer on new brick.

Total Project Change Orders and Amount: Ten (10) change orders for a total amount of \$1,228,332.94

Staff Approval Date: October 24, 2011

Project Initiation Date: October 20, 2006

Design Professional: Pryor & Morrow Architects & Engineers, P.A.

General Contractor: Thrash Commercial Contractors

Contract Award Date: January 25, 2010

Project Budget: \$7,092,208.78

Funding Source(s): HB 1634, L'06 (\$1,726,000.00); HB 1641, L'08 (\$3,000,000.00); HB 1722, L'09 (\$2,000,000.00); MSU CVM (\$64,000.00); HB 1701, L'10 Transferred from GS #113-130 (\$302,208.78)

7. MSU – IHL 205-260– Expansion and Renovation to Davis Wade Stadium

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Schematic Design Documents** as submitted by LPK Architects, design professional.

Staff Approval Date: November 15, 2011

Project Initiation Date: May 19, 2011

Design Professional: LPK Architects

General Contractor: TBA

Contract Award Date: TBA

Project Budget: \$80,000,000.00

Funding Source(s): EBC Bonds (\$80,000,000.00)

8. MSU – IHL 205-261– Humphrey Coliseum Reroof

Staff Approval #1: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Schematic Design Documents** as submitted by Michael T. Muzzi, AIA, AUA, design professional.

Staff Approval #2: In accordance with Board Policy §904 (A) Board Approval, Board

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staff approved **Contract Documents** as submitted by Michael T. Muzzi, AIA, AUA, design professional.

Staff Approval #3: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **request to advertise for receipt of bids.**

Staff Approval Date: October 17, 2011

Project Initiation Date: June 16, 2011

Design Professional: Michael T. Muzzi, AIA, AUA

General Contractor: TBA

Contract Award Date: TBA

Project Budget: \$1,295,750.00

Funding Source(s): Bulldog Club and University Operation funds (\$1,295,750.00)

9. **MSU – IHL 205-262 – New International, Graduate, Family and Upper Class Student Housing**

Staff Approval #1: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Contract Documents** as submitted by Pryor & Morrow Architects and Engineers, design professional.

Staff Approval #2: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **request to advertise for receipt of bids.**

Staff Approval Date: November 28, 2011

Project Initiation Date: October 20, 2011

Design Professional: Pryor & Morrow Architects and Engineers

General Contractor: TBA

Contract Award Date: TBA

Project Budget: \$14,000,000.00

Funding Source(s): EBC Bonds (\$14,000,000.00)

10. **MUW – GS 104-173 – HVAC Upgrade Program**

Staff Approval #1: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Schematic Design Documents** as submitted by Atherton Consultant Engineers, design professional. Approval is requested from the Bureau of Building, Grounds, and Real Property.

Staff Approval #2: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Contract Documents** as submitted by Atherton Consultant Engineers, design professional. Approval is requested from the Bureau of Building, Grounds, and Real Property.

Staff Approval #3: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **request to advertise for receipt of bids.** Approval is requested from the Bureau of Building, Grounds, and Real Property.

Staff Approval Date: October 20, 2011

Project Initiation Date: June 16, 2011

Design Professional: Atherton Consultant Engineers

General Contractor: TBA

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Contract Award Date: TBA

Project Budget: \$1,600,000.00

Funding Source(s): HB 1701, L'10 (\$1,500,000.00); BOB Energy Discretionary Fund (\$100,000.00)

11. MVSU – GS 106-214 – PH II Land Drain Infrastructure

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #3** in the amount of \$15,460.15 and two hundred ten (210) additional days to the contract of Malouf Construction, LLC. Approval is requested from the Bureau of Building, Grounds, and Real Property.

Staff Approval Date: December 16, 2011

Change Order Justification: **Change Order #3** is necessary to remove and lower two (2) 20' sections of 4" water line in the quad area due to the existing water line location interferes with the installation of required gravity storm sewer piping between required inlets RI-6/R-7 and RI-8/RI-9.

Total Project Change Orders and Amount: Three (3) change orders for a total amount of \$82,532.74.

Project Initiation Date: March 19, 2009

Design Professional: W. L. Burle Engineers

General Contractor: Malouf Construction, LLC

Contract Award Date: October 21, 2010

Project Budget: \$1,400,000.00

Funding Source(s): AYERS Landscapint (\$1,400,000.00)

12. UM– GS 107-297 – Waste Water Treatment Plant

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #3** in the amount of \$39,577.90 and ninety (90) additional days to the contract of Prairie Construction, L.L.C. Approval is requested from the Bureau of Building, Grounds, and Real Property.

Staff Approval Date: October 27, 2011

Change Order Justification: **Change Order #3** is necessary to provide and install monitoring equipment at the CLR basin and the chlorine contact chamber, including electrical service to same to allow operators to have warning of impending solids spills in time to prevent these and also allow for more energy efficient operation of the plant.

Total Project Change Orders and Amount: Three (3) change orders for a total amount of \$137,729.81.

Project Initiation Date: June 18, 2008

Design Professional: Engineering Solutions, Inc.

General Contractor: Prairie Construction, L.L.C.

Contract Award Date: April 30, 2010

Project Budget: \$2,200,000.00

Funding Source(s): HB 1641, L'08 (\$1,500,000.00); HB 246, L'07 (\$100,000.00); Internal R&R (\$600,000.00)

EXHIBIT 1

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13. UM– GS 107-302 – Lamar Hall Renovation

Staff Approval #1: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Contract Documents** as submitted by Barlow Eddy Jenkins Architects, design professional. Approval is requested from the Bureau of Building, Grounds, and Real Property.

Staff Approval #2: In accordance with Board Policy §904 (A) Board Approval, Board staff **approved request to advertise for receipt of bids.** Approval is requested from the Bureau of Building, Grounds, and Real Property.

Staff Approval #3: In accordance with Board Policy §904 (A) Board Approval, Board staff **approved the award of contract** to Evan Johnson & Sons Construction, Inc., the lower of five (5) bidders, for a total contract amount of \$6,194,000.00. Approval is requested from the Bureau of Building, Grounds, and Real Property.

Staff approval Date: (#1-2) October 31, 2011, (#3) December 16, 2011

Project Initiation Date: August 20, 2009

Design Professional: Barlow Eddy Jenkins Architects

General Contractor: Evan Johnson & Sons Construction, Inc.

Contract Award Date: December 16, 2011

Project Budget: \$7,300,000.00

Funding Source(s): HB 1722, L'09 (\$3,000,000.00); HB 1701, L'10 (\$2,000,000.00); Internal R&R (\$2,300,000.00)

14. UM – GS 107-305 – Central Mechanical Plant

Staff Approval #1: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Contract Documents** as submitted by Eley Guild Hardy Architects, design professional. Approval is requested from the Bureau of Building, Grounds, and Real Property.

Staff Approval #2: In accordance with Board Policy §904 (A) Board Approval, Board staff **approved request to advertise for receipt of bids.** Approval is requested from the Bureau of Building, Grounds, and Real Property.

Staff Approval #3: In accordance with Board Policy §904 (A) Board Approval, Board staff **approved the award of contract** to Tri-Star Companies, Inc., the lower of six (6) bidders, for a total contract amount of \$11,004,800.00. Approval is requested from the Bureau of Building, Grounds, and Real Property.

Staff Approval Date: (#1-#2) October 27, 2011, (#3) December 16, 2011

Project Initiation Date: November 21, 2008

Design Professional: Eley Guild Hardy Architects

General Contractor: Tri-Star Companies, Inc.

Contract Award Date: December 16, 2011

Project Budget: \$13,200,000.00

Funding Source(s): HB 1701, L'10 (\$8,000,000.00); SB 3100, L'11 (\$5,200,000.00)

EXHIBIT 1

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15. UM– GS 207-345 – University Housing – Package A

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #1** in the amount of \$3,335.14 and zero (0) additional days to the contract of D. Carroll Construction.

Staff Approval Date: December 8, 2011

Change Order Justification: **Change Order #1** is necessary for installation of gates to create separation between the site and students for unloading of materials.

Project Initiation Date: November 18, 2010

Design Professional: Cooke Douglass Farr Lemons + Eley & Associates – A Joint Venture

General Contractor: D. Carroll Construction

Contract Award Date: June 22, 2011

Project Budget: \$39,314,500.00

Funding Source(s): Self-Generated Funds (\$9,314,500.00); EBC Bonds (\$30,000,000.00)

16. UM– GS 207-345 – University Housing – Package L

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #3** in the amount of \$41,910.00 and zero (0) additional days to the contract of Ivey Mechanical Company, LLC.

Staff Approval Date: December 9, 2011

Change Order Justification: **Change Order #3** is necessary to upgrade the insulation to 2” foam glass for use with chilled water on steel pipe.

Total Project Change Orders and Amount: Three (3) change orders for a total amount of \$143,267.00.

Project Initiation Date: November 18, 2010

Design Professional: Cooke Douglass Farr Lemons + Eley & Associates – A Joint Venture

General Contractor: D. Carroll Construction

Contract Award Date: June 22, 2011

Project Budget: \$39,314,500.00

Funding Source(s): Self-Generated Funds (\$9,314,500.00); EBC Bonds (\$30,000,000.00)

17. UMMC – GS 109-210– School of Medicine

Staff Approval #1: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Schematic Design Documents** as submitted by Cook Douglass Farr Lemons + Eley & Associates – A Joint Venture. Approval is requested from the Bureau of Building, Grounds, and Real Property.

Staff Approval Date: December 8, 2011

Project Initiation Date: June 16, 2011

Design Professional: Cooke Douglass Farr Lemons + Eley & Associates – A Joint Venture

General Contractor: TBA

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Contract Award Date: TBA

Project Budget: \$4,500,000.00

Funding Source(s): State Bond Funds (\$4,500,000.00)

18. UMMC – IHL 209-515 – Surgical Short Stay Renovations

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #6** in the **credit amount** of \$91,203.00 and zero (0) additional days to the contract of Evan Johnson and Sons Construction, Inc.

Staff Approval Date: November 17, 2011

Change Order Justification: **Change Order #6** is necessary to reconcile controls allowance, two data outlets and one light fixture added, smoke and fire containment requirements, reconciled signage allowance, corrected roof leak, electrical and plumbing changes.

Total Project Change Orders and Amount: Six (6) change orders for a total amount of \$438,218.00.

Project Initiation Date: November 21, 2008

Design Professional: Cooke Douglass Farr Lemons

General Contractor: Evan Johnson and Sons Construction, Inc.

Contract Award Date: August 24, 2009

Project Budget: \$7,735,000.00

Funding Source(s): Hospital Patient Revenue (\$7,735,000.00)

19. UMMC– IHL 209-518 – 5 East Renovations

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #2** in the **amount** of \$101,988.11 and one hundred forty-five (145) additional days to the contract of Fountain Construction Company, Inc.

Staff Approval Date: November 10, 2011

Change Order Justification: **Change Order #2** is necessary due to multiple latent conditions revealed with the demolition of existing 1955 vintage walls and ceilings that could not be anticipated and that required correction to mitigate further expense or delays.

Total Project Change Orders and Amount: Two (2) change orders for a total amount of \$133,867.31.

Project Initiation Date: January 15, 2009

Design Professional: Dale/Morris Architects

General Contractor: Fountain Construction Company, Inc.

Contract Award Date: March 16, 2010

Project Budget: \$3,395,515.00

Funding Source(s): Tuition/Indirect cost recoveries (\$3,395,515.00)

20. UMMC– IHL 209-532 – Cardiovascular Renovations

Staff Approval #1: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Contract Documents** as submitted by Facilities Planning Department, design professional.

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January 19, 2012

Staff Approval #2: In accordance with Board Policy §904 (A) Board Approval, Board staff approved request to advertise for receipt of bids.

Staff Approval Date: November 15, 2011

Project Initiation Date: February 18, 2010

Design Professional: Cooke Douglass Farr Lemons Architects & Engineers, P.A.

General Contractor: TBA

Contract Award Date: TBA

Project Budget: \$20,182,526.00

Funding Source(s): EBC funds (\$20,182,526.00)

21. USM– GS 108-267 – 2005 Preplanning Business Facility

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Design Development Documents** as submitted by Eley Associates/Studio South, design professional. Approval is requested from the Bureau of Building, Grounds, and Real Property.

Staff Approval Date: November 23, 2011

Project Initiation Date: March 2, 2005

Design Professional: Eley associates/Studio South

General Contractor: TBA

Contract Award Date: TBA

Project Budget: \$34,000,000.00

Funding Source(s): SB 3100, L'04 (\$340,247.95); HB 1701, L'10 (\$11,259,752.05); SB 3100, L'11 (\$15,200,000.00); USM Foundation/Donations (\$7,200,000.00).

22. USM – IHL 214-015 – Lloyd Hall Storm Damage Repair

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #1** in the amount of \$223,000.00 and zero (0) additional days to the contract of Starks Contracting Company.

Staff Approval Date: November 10, 2011

Change Order Justification: **Change Order #1** is necessary to allow for the inclusion of the third floor work.

Staff Approval Date: November 10, 2011

Project Initiation Date: August 21, 2008

Design Professional: Allred Architectural Group

General Contractor: Starks Contracting Company

Contract Award Date: September 2, 2011

Project Budget: \$2,465,505.53

Funding Source(s): Insurance & FEMA reimbursements (\$2,465,505.53)

23. USM – IHL 214-016 – Elizabeth Hall Storm Damage Repair

Staff Approval #1: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Contract Documents** as submitted by Klee Odom + Klee, design professional.

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Staff Approval #2: In accordance with Board Policy §904 (A) Board Approval, Board staff approved request to advertise for receipt of bids.

Staff Approval Date: October 13, 2011

Project Initiation Date: August 21, 2008

Design Professional: Klee Odom + Klee

General Contractor: TBA

Contract Award Date: TBA

Project Budget: \$2,000,000.00

Funding Source(s): Insurance & FEMA reimbursables (\$2,000,000.00)

24. USM – IHL 214-016 – Elizabeth Hall Storm Damage Repair

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved the award of contract to Starks Contracting Company, the lower of six (6) bidders, for a total contract amount of \$2,000,000.00.

Staff Approval Date: December 7, 2011

Project Initiation Date: August 21, 2008

Design Professional: Klee Odom + Klee

General Contractor: Starks Contracting Company

Contract Award Date: December 7, 2011

Project Budget: \$2,000,000.00

Funding Source(s): Insurance & FEMA reimbursements (\$2,000,000.00)

25. ERC – GS 111-044 – Education and Research Center

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved Change Order #4 in the credit amount of (\$21,096.00) and zero (0) additional days to the contract of Upchurch Plumbing, Inc. Approval is requested from the Bureau of Building, Grounds, and Real Property.

Staff Approval Date: November 16, 2011

Change Order Justification: Change Order #4 is necessary to furnish & install six 20 amp cords under the floor in the 7th floor computer room furnish & install and program two heat detectors in the mechanical room in the parking garage, install a motion switch in the 6th floor control room, furnish & install and program alarms for one control valve and one water flow in the mechanical room in the parking garage, furnish and install sprinklers in the fire pump room and deduct for the difference in the control allowance amount and control allowance bid.

Total Project Change Orders and Amount: Four (4) change orders for a total amount of \$40,166.74

Project Initiation Date: N/A

Design Professional: Atherton Consulting Engineers, Inc.

General Contractor: Upchurch Plumbing, Inc.

Contract Award Date: November 12, 2010

Project Budget: \$3,520,000.00

Funding Source(s): HB 246, L'07 (\$2,500,000.00); HB 1641, L'08 (\$500,000.00); HB 1722, L'09 (\$520,000.00)

EXHIBIT 2

January 19, 2012

SYSTEM - REPORT OF PAYMENTS TO OUTSIDE COUNSEL

Legal fees approved for payment to outside counsel in relation to litigation and other matters:

Payment of legal fees for professional services rendered by Mayo Mallette (statement dated 11/10/11) from the funds of Mississippi Board of Trustees of State Institutions of Higher Learning. (This statement, in the amount of \$5,096.50, represents services and expenses in connection with *Jackson HMA, LLC et al. vs. Mississippi Department of Health, et al.*)

TOTAL DUE.....\$ 5,096.50

Payment of legal fees for professional services rendered by Grunsky, Ebey, Farrar & Howell (statements dated 9/30/11 and 11/2/11) from the funds of Mississippi State University. (These statements, in the amounts of \$2,519.64 and \$2,304.63, respectively, represent services and expenses in connection with Aydelott Trust Litigation.)

TOTAL DUE.....\$ 4,824.27

Payment of legal fees for professional services rendered by David Ware & Associates (statement dated 12/1/11 from the funds of Mississippi State University. (This statement, in the amount of \$2,000.00, represents services and expenses in connection with labor certifications.)

TOTAL DUE.....\$ 2,000.00

Payment of legal fees for professional services rendered by Balch & Bingham (statement dated 10/17/11) from the funds of the University of Mississippi Medical Center. (This statement represents services and expenses in connection with General Advice.)

TOTAL DUE.....\$ 2,910.89

Payment of legal fees for professional services rendered by Watkins, Ludlam, Winter & Stennis (statements dated 10/12/11, 10/12/11, 10/12/11, 10/14/11, 10/19/11 and 10/20/11) from the funds of the University of Mississippi Medical Center. (These statements, in the amounts of \$4,879.03, \$784.05, \$4,027.23, \$1,987.40, \$6,942.40 and \$1,393.75, respectively, represent services and expenses in connection with General Advice.)

TOTAL DUE.....\$ 19,923.86

Payment of legal fees for professional services rendered by Butler, Snow, O'Mara, Stevens & Cannada (statements dated 9/15/11, 10/14/11 and 11/10/11) from the funds of the University of Southern Mississippi. (These statements represent services and expenses in connection with the case styled *The University of Iowa, et al. v. The*

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University of Southern - \$8,520.83; *The University of Iowa, et al. v. The University of Southern* - \$3,768.22 and *The University of Iowa, et al. v. The University of Southern* - \$765.00, respectively.)

TOTAL DUE.....\$ 13,054.05

Legal fees approved for payment to outside counsel in relation to patent and other matters:

Payment of legal fees for professional services rendered by Butler, Snow, O'Mara, Stevens & Cannada (statements dated 10/7/11) from the funds of Mississippi State University. (These statements represent services and expenses in connection with the following patents: "Light Scattering, etc." - \$327.50; "Use of Novel Virulence - Specific Genes" - \$616.00; "Methods of Preparation of Live Attenuated Bacterial Vaccine" - \$1,372.50; "Live Attenuated Catfish Vaccine" - \$487.50; "Nematode - Upregulated Peroxidase Gene Promoter" - \$1,325.00; "Alcohol Esterification (Condensor Train)" - \$25.50; "Esterification and Bio Oil Upgrading" - \$25.50 and "Upgrading of Bio-Oil" - \$1,000.00.)

TOTAL DUE.....\$ 5,179.50

Payment of legal fees for professional services rendered by Larry Schemmel (statements dated 10/17/11) from the funds of Mississippi State University. (These statements represent services and expenses in connection with the following patents: "Renewal of Registration and Declaration of Use for MSU Seal" - \$488.75; "Horse Park and AgriCenter and Fairgrounds Trademark" - \$425.00; "Plant Patent - St. Augustine Grass Cultivers" - \$1,530.00; "An Engine Speed Controller with Total System Integration" - \$4,512.25; "MSU Change Analyst" - \$42.50; "MSU Trademark (JUVA)" - \$148.75; "MS St. Augustine Grass Plant Named 'Eclipse'" - \$1,317.50; "(JUVA) Trademark Application" - \$212.50; "Utility Application - System for Stabilizing Gas Hydrates for Low Pressure" - \$2,702.50; "Delta Jazz Trademark" - \$482.50; "Diethylene Tricarbimide and Diethylene Tricarbimide - Formaldehyde Condensation Resins" - \$743.75; "Oral Catfish Vaccine Method of Delivery" - \$191.25; "Buckscore Logo" - \$1,105.00; "Phenoxyalkyl Pyridinium Oxime Therapeutics" - \$722.50; "Method for Realizing High Efficiency Clean Combustion" - \$811.25; "Crape Myrtle Plant Named (Neshoba)" - \$401.25; "Crape Myrtle Plant Named (Pascagoula)" - \$401.25; "Crape Myrtle Plant Named (Sequoyah)" - \$401.25; "Crape Myrtle Plant Named (Shumaka)" - \$401.25 and "Crape Myrtle Plant Named (Tishomingo)" - \$401.25.)

TOTAL DUE.....\$ 16,528.50

Payment of legal fees for professional services rendered by Butler, Snow, O'Mara, Stevens & Cannada (statements dated 4/19/11, 4/19/11, 6/16/11, 6/21/11, 6/21/11, 6/21/11, 6/28/11, 7/19/11, 7/19/11, 7/19/11 and 7/19/11) from the funds of the University of Mississippi. (These statements represent services and expenses in connection with the

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following patents: “Complexes and Compounds for Light Emitting Applications” - \$246.50; “Device for Demonstrating Components of a Vector” - \$492.50; “Emerging Models for Wireless Communication Systems” - \$1,152.50; “Misc. Licenses Expenses - Centri” - \$215.00; “Complexes and Compounds for Light Emitting Applications” - \$68.00; “A Device for Demonstrating and Measuring the Components of a Vector in 3D Space” - \$907.94; “Chick Separation-Anxiety-Depression (SAD) Model” - \$490.00; “Emerging Models for Wireless Communication Systems” - \$85.00; “A Device for Demonstrating and Measuring the Components of a Vector in 3D Space” - \$970.00; “Utilizing Tactile Speech Feedback for Stuttering and Other Speech/Fluency/Motor Initiation Disorders” - \$42.50 and “Chick Separation-Anxiety-Depression (SAD) Model” - \$90.00, respectively.)

TOTAL DUE.....\$ 4,759.94

Payment of legal fees for professional services rendered by Hershkovitz & Associates (statements dated 5/31/11, 5/31/11, 5/31/11, 6/3/11, 6/29/11, 7/20/11, 7/31/11 and 8/9/11) from the funds of the University of Mississippi. (These statements represent services and expenses in connection with the following patents: “Method of Preparing Delta-9-Tetrahydrocannabinol” - \$1,494.50; “Prolylcarboxypeptidase (PRCP) Inhibitor as an Obesity and Inflammation Lowering Drug” - \$169.25; “Compositions for the Prevention/Prophylactic Treatment of Poison Ivy Dermatitis” - \$2,408.25; “Europe: Method of Preparing Delta-9-Tetrahydrocannabinol” - \$1,663.45; “Novel Sigma Receptor Antagonists” - \$6,810.50; “Potent Immunostimulatory Component in Microalgae Extract” - \$2,662.75; “Canada: Method of Preparing Delta-9-Tetrahydrocannabinol” - \$875.00 and “Novel Sigma Receptor Antagonists” - \$1,997.00, respectively.)

TOTAL DUE.....\$ 18,080.70

Payment of legal fees for professional services rendered by Stites & Harbison (statements dated 6/28/11, 6/28/11, 6/28/11, 6/28/11, 6/28/11, 6/28/11, 6/28/11, 6/28/11, 6/28/11, 7/22/11, 7/22/11, 7/22/11, 7/22/11 and 7/22/11) from the funds of the University of Mississippi. (These statements represent services and expenses in connection with the following patents: “Gas Separation Membranes” - \$7,420.50; “US: Stabilized Formulation of Triamcinolone Acetonide” - \$341.00; “Canada: Stabilized Formulation of Triamcinolone Acetonide” - \$441.06; “Europe: Stabilized Formulation of Triamcinolone Acetonide” - \$1,360.27; “Europe: Method of Detecting Vibration and Sound Signatures of Human Footsteps” - \$348.06; “Thermoacoustic Refrigeration Device and Method” - \$1,590.00; “Highly Purified Amphotericin-B” - \$178.37; “Delivery of Medicaments to the Nail and Perionychium via ‘Etching’” - \$1,624.00; “Delivery of Medicaments to the Nail and Perionychium via ‘Etching’” - \$279.52; “Highly Purified Amphotericin-B” - \$191.50; “High Speed Data Compression” - \$54.00; “Gas Separation Membranes” - \$241.00; “In-Furnace Reduction of Nitrogen Oxide by a Biomass Derivative” - \$3,911.00, respectively.)

TOTAL DUE.....\$ 19,340.55

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Payment of legal fees for professional services rendered by Butler, Snow, O'Mara, Stevens & Cannada (statements dated 9/15/11, 10/14/11, 11/7/11 and 11/30/11) from the funds of the University of Southern Mississippi. (These statements represent services and expenses in connection with the following patents: "Trademark Application for the Centennial Anniversary" - \$630.00; "Trademark Application for the Centennial Anniversary" - \$3,705.00; "Lockhead - Oil Dispersant Patent" - \$1,765.00" and "Lockhead - Oil Dispersant Patent" - \$1,102.50, respectively.)

TOTAL DUE.....\$ 7,202.50